

UNITED STATES OF AMERICA

IN THE WESTERN DISTRICT OF MICHIGAN – SOUTHERN DIVISION

Derek Antol, individually and as next friend of
DSAIL, a minor, and Devon S. Antol, and Tryston Antol,
Plaintiffs,

File No: 1:17-cv-613

v.

Adam Dent, Kate Straus,
Casey Bringedahl, Casey Trucks,
Pete Kutches, and Western Michigan
Enforcement Team, a public
body organized under the laws of the
State of Michigan,
Defendants,

Hon. Janet T. Neff
U.S. District Court Judge

**PLAINTIFFS' OPPOSITION TO MOTION FOR SUMMARY JUDGMENT BY
DEFENDANTS DENT, STRAUS, BRINGEDAHL, AND KUTCHES**

Attachment 7 – deposition of Defendant Straus

KATE STRAUS
5/10/2018

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<p>UNITED STATES OF AMERICA IN THE WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION</p> <p>DEREK ANTOL, individually and as Next Friend of DSA, a minor, DSAIL, a minor, and TRYSTON ANTOL,</p> <p>Plaintiffs, Case No. 1:17-cv-613</p> <p>-v- HON. JANET T. NEFF</p> <p>ADAM DENT, KATE STRAUS, CASEY BRINGEDAHL, CASEY TRUCKS, PETE KUTCHES, and WESTERN MICHIGAN ENFORCEMENT TEAM, a public body organized under the laws of the State of Michigan,</p> <p>Defendants</p> <p>DEPOSITION OF KATE STRAUS</p> <p>Taken by the Plaintiffs on the 10th day of May, 2018, at the offices of Cummings, McCloy, Davis & Aho, 2851 Charlevoix Drive, Suite 327, Grand Rapids, Michigan, at 2:49 p.m.</p> <p>APPEARANCES:</p> <p>For the Plaintiffs: MR. J. NICHOLAS BOSTIC (P40653) 909 N. Washington Avenue Lansing, MI 48906 (517) 706-0132</p> <p>For the Defendant: MR. ADAM P. SADOWSKI (P73864) Casey Trucks: MR. PATRICK MYERS (P81444) 525 W. Ottawa Street P.O. Box 30736 Lansing, MI 48909 (517) 373-5434</p>	<p>TABLE OF CONTENTS</p> <p>PAGE</p> <p>KATE STRAUS:</p> <p>Direct Examination by Mr. Bostic 5</p> <p>EXHIBITS: IDENTIFIED</p> <p>EX-1 - Notice of Seizure and Intention to Forfeit 15</p> <p>EX-2 - Notice of Seizure and Intention to Forfeit 18</p> <p>EX-3 - Notice of Seizure and Intention to Forfeit 19</p> <p>EX-4 - Notice of Seizure and Intention to Forfeit 20</p> <p>EX-5 - Consent Judgment for Order of Partial Forfeiture 21</p> <p>EX-6 - Incident Property Report 26</p>
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<p>For the Defendants: MR. CURT A. BENSON (P38891) Straus, Bringedahl & MR. BRAD WANALUNAS (P) Kutches: 2851 Charlevoix Drive, Suite 327 Grand Rapids, MI. 49546 (616) 975-7470</p> <p>Recorded by: Denise L. Jamba, CER 0786 Certified Electronic Recorder</p>	<p>1 Grand Rapids, Michigan</p> <p>2 Thursday, May 10, 2018 - 2:49 p.m.</p> <p>3 KATE STRAUS</p> <p>4 HAVING BEEN CALLED BY THE PLAINTIFFS AND SWORN</p> <p>5 MR. BOSTIC: State your name for the record,</p> <p>6 please.</p> <p>7 THE WITNESS: Kate Straus.</p> <p>8 MR. BOSTIC: Ms. Straus, my name is Nick Bostic.</p> <p>9 I am the attorney for the plaintiffs in the Western</p> <p>10 District of Michigan case Derek Antol, et al, versus Adam</p> <p>11 Dent, et al, 1:17-cv-613. Today is the time and date set</p> <p>12 for your deposition, which will be used for all purposes</p> <p>13 as allowed by the Federal Rules of Evidence and the</p> <p>14 Federal Rules of Civil Procedure.</p> <p>15 Counsel, any objections as to notice?</p> <p>16 MR. BENSON: No, sir.</p> <p>17 MR. SADOWSKI: None for me.</p> <p>18 MR. BOSTIC: Appearances for the record, please.</p> <p>19 MR. BENSON: My name is Curt Benson. I'm here</p> <p>20 representing Kate Straus.</p> <p>21 MR. WANALUNAS: Brad Wanalunas representing Kate</p> <p>22 Straus.</p> <p>23 MR. SADOWSKI: Adam Sadowski representing</p> <p>24 Defendant Trucks, who isn't here, so I don't know his</p> <p>25 appearances are here or not, but regardless.</p>

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<p>1 MR. BOSTIC: If you're in the room, we want to 2 know who you are. 3 MR. MYERS: Patrick Myers for Defendant Trucks. 4 DIRECT EXAMINATION 5 BY MR. BOSTIC: 6 Q Ms. Straus, what is your occupation? 7 A Currently I'm a regulation agent for the State of 8 Michigan, the Bureau of Medical Marijuana Regulation. 9 Q And what do you do in that capacity? 10 A I'm essentially an investigator for the new facility 11 licensing division that has just started. Any of the new 12 provisioning centers, growers, transporters, I go out and 13 investigate any complaints against them and do inspections 14 for their facility so they can obtain a license. 15 Q Do you also investigate portions of the initial 16 application process? 17 A I have not yet, but I'm sure that's coming. 18 Q Have any facilities been licensed yet? 19 A No. 20 Q So there's nothing to inspect yet? 21 A We have started inspections 'cause there is part of an 22 inspection before they obtain their license. 23 Q Okay. Directing your attention to July 9, 2014, what was 24 your occupation then? 25 A I was a detective sergeant with the City of Muskegon</p>	<p>1 civil litigation? 2 A Yes. 3 Q How many? 4 A I guess technically two. 5 Q You and Officer Bringedal were once sued for excessive 6 force, correct? 7 A Yes. 8 Q What was the other one? 9 A This first lawsuit here with Mr. Antol pends to the 10 criminal case. 11 Q Okay. So the one I filed for Derek in 2014? 12 A Yeah. Is this all considered the same? 13 Q Your -- your answer is -- is correct. 14 A Okay. 15 Q I just wanted to make sure that -- 16 A Okay. 17 Q Okay. So other than involving Mr. Antol, we only have the 18 one? 19 A Correct. 20 Q Okay. Prior to July 9, 2014, had you had any direct 21 contact with Mr. Antol? 22 A No. 23 Q What about Ms. Conklin? 24 A No. 25 Q During the time period of June of 2013 until July of 2014,</p>
Page 6	Page 8
<p>1 Police Department and I was out at WEMET, the West 2 Michigan Enforcement Team for undercover narcotics. 3 Q And how long had you been a police officer as of July of 4 2014? 5 A Eight years. 6 MR. BENSON: It's like a math problem. 7 THE WITNESS: Exactly. Yeah. 8 MR. BENSON: We promised there'd be no math on 9 this exam. 10 BY MR. BOSTIC: 11 Q And when did you leave Muskegon P.D.? 12 A December of 2017. 13 Q And how much -- so you had -- now we have more math 14 problems. 15 A Eleven years. 16 Q Thank you. So why did you leave? 17 A This opportunity came up and better for my family. 18 Q Were you vested in a pension at Muskegon? 19 A I was. 20 Q During your time with the Muskegon Police Department, were 21 you ever disciplined for anything involving false 22 statement or dishonesty? 23 A No. 24 Q Have you ever been -- in course -- in terms of your police 25 work, have you ever been named as a defendant in any other</p>	<p>1 were you considered a supervisory -- employee is not the 2 right word, officer with WEMET? 3 A Let's clarify your dates, please. June of '13 through 4 when? 5 Q July of '14. 6 A No. I was promoted -- oh, yes. I'm sorry. I was 7 promoted October, November-ish of 2013 and went out to 8 WEMET at that time. 9 Q Okay. So you went to WEMET as a supervisor? 10 A Yes. Yeah. 11 Q Okay. Because it's my understanding you can -- you might 12 be a sergeant or a supervisor in your home department, but 13 when you go to WEMET, you may or may not be a supervisor. 14 But you were a supervisor -- 15 A Correct. 16 Q -- at WEMET? 17 A Correct, I was. 18 Q Okay. As a supervisor, did you have any responsibility 19 for reviewing or overseeing Mr. Dent's investigation? 20 A Yes. 21 Q Of this -- of this case of Mr. Dent? 22 A Yes, I did. 23 Q Were you aware that he fabricated documents in June of 24 2013 concerning a medical marijuana application? 25 A When you say fabricated, as far as to obtain his medical</p>

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<p style="text-align: right;">Page 9</p> <p>1 mari -- can you clarify, I guess?</p> <p>2 Q Well, fabrication is -- yeah, I -- I don't want to say</p> <p>3 legitimately fabricated, that's not what I mean, but he</p> <p>4 fabricated documents for use in an undercover role.</p> <p>5 A Okay. I see where you're heading. I came to the team in</p> <p>6 November of 2013.</p> <p>7 Q Okay.</p> <p>8 A So prior to that, no, I was not part of it. However, I</p> <p>9 was aware he had fake documentation that said that he had</p> <p>10 a medical marijuana card.</p> <p>11 Q Or had applied for a card?</p> <p>12 A Correct. Yes.</p> <p>13 Q Okay. So in the fall of 2013, were you aware that one or</p> <p>14 more WEMET officers attempted to purchase marijuana at 885</p> <p>15 East Apple --</p> <p>16 A Yes, I was.</p> <p>17 Q -- and were turned down?</p> <p>18 A I don't recall how many times they were turned down and</p> <p>19 how many times they successfully purchased. I know there</p> <p>20 was a combination of both.</p> <p>21 Q Were you aware that on July 8th, Mr. Dent did some</p> <p>22 surveillance at East Apple and North Green Creek -- or</p> <p>23 North Green Creek?</p> <p>24 A Yes, I was.</p> <p>25 Q How were you aware of it?</p>	<p style="text-align: right;">Page 11</p> <p>1 the building and they just walked into the southern half.</p> <p>2 Q Did you see the video footage from the DVR?</p> <p>3 A No, I never witnessed the DVR footage.</p> <p>4 Q Did it -- was it ever brought to your attention that they</p> <p>5 threatened Ms. Conklin and cornered her near the door of</p> <p>6 the south part of the building --</p> <p>7 A No.</p> <p>8 Q -- and threatened her if they didn't get in?</p> <p>9 A No, I was not privy to that information.</p> <p>10 Q You never heard that?</p> <p>11 A Not that day while we were on scene. I've heard it since</p> <p>12 then.</p> <p>13 Q When did you first hear it?</p> <p>14 A I think just in the course of all the -- I'm not really</p> <p>15 sure when I heard it. Sorry, I don't recall.</p> <p>16 Q Okay. Do you think it would have been more than a year</p> <p>17 later?</p> <p>18 A Could be.</p> <p>19 Q Okay. Who was present when you arrived at 885 East Apple</p> <p>20 on July 9th?</p> <p>21 A The Tobacco Tax Team that was there, and I don't recall</p> <p>22 all of their names, and then Detective Marshall and myself</p> <p>23 were there. And Sergeant Grant from MSP showed up, too.</p> <p>24 I'm not sure if he was already there or showed up after</p> <p>25 the fact.</p>
<p style="text-align: right;">Page 10</p> <p>1 A My job as the supervisor, every month I have to review the</p> <p>2 open active cases, and so every month I grabbed the</p> <p>3 undercover case and at some point the decision was made to</p> <p>4 wrap up some of these older cases that were open, so I</p> <p>5 knew him and Detective Bringedahl were going to conduct</p> <p>6 some surveillance on that case.</p> <p>7 Q Did you ever see the surveillance notes from that</p> <p>8 surveillance?</p> <p>9 A Not that I can recall.</p> <p>10 Q On July 9, 2014, how did you first become aware that</p> <p>11 something was going to happen at 885 East Apple that day?</p> <p>12 A One of the detectives received a call from the Tobacco Tax</p> <p>13 Team -- the Michigan State Police Tobacco Tax Team that</p> <p>14 they were inside the facility and observed marijuana.</p> <p>15 Q Did they explain to you at all -- or not to you, but did</p> <p>16 part of that explanation include how they entered the</p> <p>17 portion of the building where the marijuana was located?</p> <p>18 A No, I never directly talked to the Tobacco Tax Team until</p> <p>19 we were on scene, but I believe they were just doing</p> <p>20 administrative search.</p> <p>21 Q Did any of them at any time ever explain to you how they</p> <p>22 entered the south part of the building?</p> <p>23 A I believe Detective Sergeant Schmit, Carl, said that when</p> <p>24 they were in, they just walked around the entire building</p> <p>25 to see if there was any sort of tobacco products inside</p>	<p style="text-align: right;">Page 12</p> <p>1 Q And then what about non-law enforcement when you first</p> <p>2 arrived; who was there?</p> <p>3 A Ms. Conklin, Derek Antol. I don't recall if there was</p> <p>4 anybody else. People were coming and going -- well,</p> <p>5 trying to come to purchase marijuana while we were there,</p> <p>6 but we stopped all them from entering the building.</p> <p>7 Q Do you recall a person with the last name of Supernaw</p> <p>8 being there? He'd been an employee.</p> <p>9 A There might have been an employee there. I don't -- I</p> <p>10 don't recall right now. Sorry.</p> <p>11 Q So you think you -- your recollection is that Mr. Antol</p> <p>12 arrived before you did?</p> <p>13 A If he didn't arrive -- I'm sorry, I truly don't recall.</p> <p>14 He was either there like just there or showed up right as</p> <p>15 we were showing up.</p> <p>16 Q Do you recall him using a video or a telephone to record</p> <p>17 the officers?</p> <p>18 A Yes. He was very -- he was extremely upset when he was</p> <p>19 there and he was videotaping.</p> <p>20 Q And do you recall him telling you and the other officers</p> <p>21 to leave?</p> <p>22 A Yes.</p> <p>23 Q Now, when you arrived, did you have an awareness as to</p> <p>24 whether or not a search warrant was being prepared?</p> <p>25 A Yes, I did. We were at our office when we received the</p>

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<p style="text-align: right;">Page 13</p> <p>1 phone call that Tobacco Tax was in the building, and 2 between us, we came up with a game plan that Detective 3 Dent, he had the most knowledge of the case, was going to 4 head to the prosecutor's office to get the search warrant. 5 Myself, Detective Marshall were headed to Apple, and one 6 of our officers was going to the Farr Road address, the 7 residence, and North Green Creek was another. 8 Q So was it your belief at the time that because the 9 officer -- the other officers had observed marijuana on 10 the premises and a search warrant was being prepared, that 11 you didn't have to leave, that you could hold the 12 premises? 13 A Yes, we were going to secure the resi -- or secure the 14 premise so no evidence would be destroyed. 15 Q And then how long do you think you stayed at East Apple 16 Avenue? 17 A It was a long time. It was a couple hours in total. But 18 Adam was just starting to get the search warrant, so I bet 19 you we waited at least an hour and a half to get the 20 search warrant. Mr. Antol did not want us on the property 21 and I had explained to him that we were securing it for 22 evidence, but I agreed with him that if he would calm 23 down, we would all just step outside, and that's what we 24 did. 25 Q So everybody sat outside around vehicles or --</p>	<p style="text-align: right;">Page 15</p> <p>1 that. 2 Q Do you think it was still daylight? 3 A Yes. 4 Q All right. And how long were you at Green Creek? 5 A A couple hours. 6 Q Do you recall serving any forfeiture notices? 7 A Yes. I served the forfeiture to both Ms. Conklin and Mr. 8 Antol. 9 (At 3:06 p.m., Exhibit No. 1 marked by court 10 reporter) 11 BY MR. BOSTIC: 12 Q You have there Deposition Exhibit No. 1. Do you recognize 13 that? 14 A Yes. This is the forfeiture form that I completed and 15 gave to Derek. 16 Q Is that your signature in the lower left corner? 17 A Yep. 18 Q Do you recall there being a DVR in the building at East 19 Apple? 20 A Yes, there was. 21 Q Do you recall seizing it? 22 A Yes. 23 Q Do you recall there being some cameras connected to the 24 DVR? 25 A I'm sure there was cameras. Otherwise, how would it</p>
<p style="text-align: right;">Page 14</p> <p>1 A Yeah, by the front door. 2 Q -- I think there's a plant -- a planter or something by 3 the door there. So people were sitting down? 4 A Yeah, there was a planter, but, yes, we were right outside 5 the front door. 6 Q And when you left Apple Avenue, where did you go? 7 A I don't recall if we went back to our office to drop off 8 evidence, but either way, I made it up to North Green 9 Creek. 10 Q Did you, on July 9th, 2014, ever go to Farr Road? 11 A I never went there. 12 Q When you arrived -- well, what time do you think the 13 search warrant arrived at Apple Avenue? 14 A I'd have to look at the police report. I don't recall the 15 time of day. 16 Q Did Mr. Dent show up with all three search warrants? 17 A Yes, because Apple was the closest location to the 18 courthouse, so he came there with the search warrants, and 19 I don't remem -- I think he stayed. I don't recall if 20 other people came and picked up search warrants or if he 21 dropped them off and then went to the other residence. 22 Q What time do you think you went to Farr -- or Green Creek? 23 A I'm sorry, I don't recall the exact time. 24 Q Do you think -- 25 A This was an all-day event from start to finish, I remember</p>	<p style="text-align: right;">Page 16</p> <p>1 record? I don't -- I don't remember if we seized the 2 cameras. I think we just seized the -- the box. 3 Q Why was the DVR not listed on the forfeiture notice? 4 A Because it was separate at the time. It was considered 5 evidence because it had the videos of any of the 6 undercover buys, people in and out of the facility. It 7 wasn't considered a forfeiture. 8 Q Well, when the case is over then, what would you do with 9 such a device? 10 A Destroy it. 11 Q What authority do you have as a police officer to 12 destroy -- to destroy private property? 13 A I don't. After the case is over and done with, I get 14 notification from the prosecutor's office on what I can do 15 with the personal property and illegal property. 16 Q So is the DVR illegal? 17 A No, but it's just considered evidence. 18 Q But it's private property owned by a citizen, correct? 19 A Correct. After the case is over and done with, I wait for 20 the prosecutor to let me know how to handle all the 21 evidence and I do what they tell me to do. 22 Q Okay. So there's a piece of evidence that is not 23 contraband, it's seized, the case is over. Are you 24 claiming that there's any legal authority that allows you 25 as a police officer to destroy that private property?</p>

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<p>1 MR. BENSON: I'm going to object. She's already 2 answered the question. She does not have the authority, 3 she follows the direction of the prosecuting attorney. 4 MR. BOSTIC: Well, that's the prosecutor's 5 position. I want to know if the witness has any legal 6 authority. 7 MR. BENSON: And I think she's already answered 8 the question is my point. 9 MR. BOSTIC: Well, I need her answer clarified. 10 BY MR. BOSTIC: 11 Q You -- you gave an answer, no, and then you explained 12 about the other thing. So were you just explaining the 13 no? That's where I'm being -- I'm lost. 14 A Yes, I legally can destroy their property when I have 15 authorization to do so. 16 Q Okay. 17 A I'm sorry, I don't know how else to -- 18 MR. BENSON: You're doing fine. 19 BY MR. BOSTIC: 20 Q That helped. 21 A Okay. 22 Q But in terms of a statute, are you aware of any authority 23 that allows you to destroy private property? 24 A I don't -- I don't know off the top of my head a statute 25 that's written out there. However, I'm sure there is</p>	<p>1 gun, and essentially you just served Mr. Antol and Ms. 2 Conklin for all the other items, correct? 3 A Correct. Yes. 4 (At 3:14 p.m., Exhibit No. 3 marked by court 5 reporter) 6 BY MR. BOSTIC: 7 Q I'm showing you what's been marked as No. 3. What is -- 8 do you recognize this one? 9 A Yes. This is the forfeiture items that we removed from 10 the address on North Green Creek to Derek. 11 Q Do you recall him telling you at the time that some of the 12 cash was actually the property of his son? 13 A I don't -- I don't recall that, no. 14 Q When you compiled this list that's in No. 3, did you 15 determine which room the separate amounts came from? 16 A That information is probably on the search warrant return. 17 Q I understand that, but my point is did you determine -- 18 did you seek to determine ownership separately for the 19 various amounts inside the home? 20 A I did not, no. Another officer who was doing the 21 interviews would have asked the questions about where the 22 money -- who -- where the money belonged to and who was 23 part of it. That's the reason why it's separate on this 24 form, is because that money came from different locations. 25 Q Well, then why would the other potential owners not be</p>
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<p>1 something 'cause police departments continually destroy 2 evidence from -- from crime scenes. 3 Q So your viewpoint is that you're authorized to do whatever 4 the prosecuting authority instructs you to do? 5 A Yes. 6 Q Did you physically take the DVR off the shelf? 7 A Where? Can you clarify? 8 Q At 885 East Apple. 9 A No, I did not. 10 Q Did you physically handle it or were you aware of its 11 actual seizure on that date? 12 A Yes, I was. 13 Q And you don't recall the cameras being put in the bag with 14 the DVR? 15 A That I don't recall. I saw the DVR at the facility, but 16 the evidence custodian that day, which should have been 17 Adam Dent, he's the one that packages it, handles it, 18 takes it back to our place, logs it in. 19 (At 3:13 p.m., Exhibit No. 2 marked by court 20 reporter) 21 BY MR. BOSTIC: 22 Q I'm showing you what's been marked as Deposition Exhibit 23 No. 2. Do you recognize this one? 24 A Yes, I do. 25 Q And we have the same property but for -- except for the</p>	<p>1 served separately? 2 A If they -- his son is a minor at the time, then Derek just 3 would have been served with it. If it was another adult 4 on scene claiming ownership, we would have served that 5 adult. 6 Q Well, if the son is a minor and he claims ownership, then 7 how is it forfeitable? 8 A I don't recall all the conversations about this money. 9 However, most of this money was found in Derek's room. 10 That's why Derek was served. 11 Q Well, right, I mean the \$17,800 obviously. But you don't 12 recall one of the other two amounts belonging to one of 13 the boys? 14 A I do not. 15 (At 3:17 p.m., Exhibit No. 4 marked by court 16 reporter) 17 BY MR. BOSTIC: 18 Q Looking at No. 4, I take it you served both of the adults 19 the same thing just because they both lived there? 20 A Yes. In our -- yes. 21 Q If you serve somebody that's a non-owner and doesn't want 22 it, all they do is just not file a claim, right? 23 A Correct. 24 (At 3:18 p.m., Exhibit No. 5 marked by court 25 reporter)</p>

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<p style="text-align: right;">Page 21</p> <p>1 BY MR. BOSTIC: 2 Q Now, if you would, take a look at the first six pages of 3 Deposition Exhibit 4. 4 A Four? I only have one page. 5 Q Did I get behind? Five. Sorry. 6 MR. BOSTIC: So the record is clear, No. 5 is a 7 nine-page document of three court orders and three 8 certificates of service. No. 4 was a forfeiture notice 9 served on Samantha Conklin. 10 THE WITNESS: Okay. 11 BY MR. BOSTIC: 12 Q Okay. What do those appear to be to you? 13 A Court orders, judgments. 14 Q Have you ever seen these before today? 15 A I saw them yesterday when I met with my attorney. 16 Q Had you ever seen them prior to yesterday? 17 A Not that I recall. 18 Q Were you involved in -- during 2015 in returning any 19 property to Mr. Antol or Ms. Conklin? 20 A I'm aware of what happened. I was not part of it. 21 Q How were you aware of the return of some of the property? 22 A Our property room manager is the one that releases all the 23 property in our cases, so he would have dealt with Mr. 24 Antol and Ms. Conklin. I was on the phone with Prosecutor 25 Matt Roberts in regards to releasing the property.</p>	<p style="text-align: right;">Page 23</p> <p>1 Q -- after -- okay. 2 A My office is separate from -- at the time was separate 3 from where the property room is. 4 Q So you would have passed the information along from Mr. 5 Roberts to the property room, but then if -- if the items 6 that were not listed on the forfeiture notices, if 7 something other than destruction happened to them, such 8 as, return, you would not have been involved? 9 A Well, typically how it happened is the conversations 10 happened between Bill Evans, our property room manager, 11 and the prosecutor's office, and I was usually never privy 12 to them until after the fact. If I had any questions 13 during my -- my review of the reports, I called Mr. 14 Roberts or he called me and questioned whatever the issue 15 was. 16 Q So you don't have any idea how or why -- well, why certain 17 items not listed on the forfeiture forms were returned? 18 A Correct. That was not part of my duties. 19 Q When you were trained to work on the drug teams, did 20 anybody ever train you that you could destroy private 21 property that wasn't contraband? 22 A As far as official training in classes, no. However, my 23 lieutenant taught me how to, you know, when a case is over 24 and done with, e-mail the prosecutor's office, get the 25 approval to destroy, and then I never handled the</p>
<p style="text-align: right;">Page 22</p> <p>1 Q When were you on the phone with Mr. Roberts? 2 A Around this time. I don't have an exact time and date 3 that I had that phone conversation. 4 Q When you say around this time, are you talking about the 5 date of the order, -- 6 A Yes. 7 Q -- June 29, 2015? 8 A Yes. 9 Q What did Mr. Roberts tell you? 10 A He advised me that everything on the forfeiture forms 11 could go back to Samantha and Derek and then all of the 12 evidence could be destroyed. 13 Q Are you aware that some property items that were not on 14 the forfeiture forms were returned to Mr. Antol and Ms. 15 Conklin? 16 A I'm not aware of that. 17 Q So it's your testimony that Mr. Roberts told you to return 18 only the items listed on the notices? 19 A Yes. Prosecutor Roberts had said that anything that's on 20 the forfeiture forms goes back -- back to them, everything 21 else could be destroyed. But as far as other property in 22 detail, that conversation would have been with our 23 property room manager, not with me. 24 Q You mean as far as the individual evidence items -- 25 A Um-hum.</p>	<p style="text-align: right;">Page 24</p> <p>1 evidence, it was in a computer system marking things to 2 destroy, not to destroy, to donate, whatever the 3 disposition of the evidence was. So, yes, sometimes 4 personal property was in there. Whether it was -- it 5 depends what it was from the case. 6 Q Are you aware that there's a statute that essentially says 7 that property seized pursuant to a search warrant is to be 8 disposed of at the direction of the court? 9 A I'm not aware of that statute. 10 Q So aside from forfeiture, if it's seized pursuant to a 11 warrant, you're not -- you're not aware of a statute that 12 talks about how that property is to be held? 13 A I've never read a statute for that, no, I have not. I'm 14 not aware of that. 15 Q Have you had any conversations at any time with Lieutenant 16 Fias about this particular DVR being destroyed? 17 A Yes, I did. 18 Q When? 19 A Some time right after it was destroyed, he received a 20 phone call from Mr. Antol requesting it, requesting the 21 DVR system. 22 Q Did he tell you what his response was to Mr. Antol? 23 A What Lieutenant Fias's response is? 24 Q Yes. 25 A Yes. We did -- we looked it up and realized that it was</p>

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<p style="text-align: right;">Page 25</p> <p>1 destroyed and he offered to buy Mr. Antol -- give Mr. 2 Antol the money to reimburse him for the DVR system. 3 Q Did he indicate to you that he was having this 4 conversation with Mr. Antol or he was having the 5 conversation with me? 6 A That I don't know. I assumed it was with Mr. Antol 7 because he offered to purchase -- I was present when we 8 looked it up on the computer by the serial number how much 9 we could buy it for, and I don't recall the exact amount 10 of money. I'm going to throw out there around 300 some 11 dollars. And Mr. Antol came back he wanted a \$2,000 one. 12 And there was a little bit of negotiation back and forth 13 on that. 14 Q Did you ever have a conversation with Lieutenant Fias 15 about returning some of the items pursuant to these orders 16 but holding other items because they were considered to be 17 evidence in case there was an appeal? 18 A I don't recall. I know there was lots of conversations, 19 but I can't recall them at this time. 20 Q Is one of the reasons that you take instructions from the 21 prosecutor's office is to deal with the possibility of an 22 appeal period? 23 A Yes. 24 Q Did Lieutenant Fias ever mention to you any type of policy 25 or anything of that nature within WEMET or the state</p>	<p style="text-align: right;">Page 27</p> <p>1 6. Do you recognize this? 2 A I've never seen it in this form, but it's the status of 3 the evidence. 4 Q And then if you look at the last page, Page 33 of 69, the 5 way it's marked at the bottom, -- 6 A Um-hum. 7 Q -- inside the box there -- well, just above the box 8 there's an entry that says "authorize to destroy, 9 authorized by Straus, Kathryn." Is that you? 10 A Yes, it is. 11 Q So what date did you authorize the destruction? 12 A According to this, September 18th of 2015. 13 Q Above that, it says "date of report, July 18, 2016." 14 A Yes. 15 Q What is that referring to? 16 A I have no idea. 17 Q Perhaps that's the date that this report was printed? 18 Yeah, it's at the top of each page, so we'll just -- we'll 19 just ignore that. Okay. 20 A Okay. 21 Q And do you agree that September 18th, 2015 is after the 22 date of our court orders in Exhibit 5? 23 A Yes. 24 Q Were you present when the DVR was actually destroyed? 25 A That I -- that I don't know. I could -- I could have</p>
<p style="text-align: right;">Page 26</p> <p>1 police that required the destruction of anything that had 2 images of undercover officers on it? 3 A Can you rephrase that? As a policy? 4 Q Yes. 5 A No. 6 Q Have you ever heard of such a thing? 7 A No. I'm not -- I'm not privy to all of the state police 8 official orders. 9 Q But in -- in your time at WEMET, did you ever hear that 10 discussed? 11 A No. 12 Q How certain are you that your conversations with Mr. 13 Roberts were by telephone as opposed to e-mail? 14 A Oh, certain. 15 Q Okay. Did you ever have any e-mails with Mr. Roberts 16 about this property that you know of? 17 A Not that I recall. I mean it's possible, but not that I 18 recall. 19 Q What e-mail address at the time would you have been using? 20 A Probably Straus, S-t-r-a-u-s, K I, the number 1, 21 @Michigan.gov. 22 (At 3:31 p.m., Exhibit No. 6 marked by court 23 reporter) 24 BY MR. BOSTIC: 25 Q I've handed you what has been marked as Deposition Exhibit</p>	<p style="text-align: right;">Page 28</p> <p>1 been, but I'm not sure. 2 Q How -- 3 A I'd have to look -- 4 Q How are things like this physically destroyed? 5 A The -- well, right here Chris McIntyre, who I don't know 6 his role at the time, whether he was a captain, 7 lieutenant, but he is not part of WEMET, so he shows up 8 with our property room manager and Lieutenant Fias and 9 they're in the evidence room checking off everything that 10 needs to be destroyed. They either box it up or put it in 11 bins and then the rest of us, if we show up to help for 12 the day, load the items into vans, drive them to the 13 incinerator, and then dump them in the incinerator. But 14 we don't -- most things are in boxes, we don't look 15 through them, or in bins. 16 Q Just go by the bar code on the -- on the item? 17 A Yeah. And I don't -- I'm not part of the scanning 18 process. That's the property room manager and the 19 lieutenant. 20 Q But what you're saying is that -- there's a cell phone, 21 but it's in a paper bag instead of a clear plastic bag and 22 it's sealed? 23 A Um-hum. 24 Q They check the bar code, check the item number, they don't 25 open it to make sure that's what it is, is that what</p>

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<p>1 you're saying?</p> <p>2 A They might, but then --</p> <p>3 Q Oh, when you load it, you guys don't --</p> <p>4 A Correct.</p> <p>5 Q Okay.</p> <p>6 A We're like the last stop before it burns, so we just trust</p> <p>7 that the supervisors have done it correctly and we dump it</p> <p>8 in the incinerator.</p> <p>9 Q There were several packages of records, tax returns,</p> <p>10 income records, receipts, things of that nature, taken</p> <p>11 from Apple Avenue. Do you recall seeing those?</p> <p>12 A There was a lot of paperwork. I'm not sure exactly</p> <p>13 whether there was mail also seized. I'm not sure exactly</p> <p>14 what all was in there.</p> <p>15 Q You agree that none of those items were listed on the</p> <p>16 forfeiture forms?</p> <p>17 A Yes.</p> <p>18 Q Do you agree that they were returned?</p> <p>19 A I don't know if they were returned to them or not.</p> <p>20 Q What about a digital scale; do you know whether that was</p> <p>21 returned?</p> <p>22 A No. I don't have any direct knowledge that anything was</p> <p>23 given back to them except the stuff that was on the</p> <p>24 forfeiture forms.</p> <p>25 Q Other than the one conversation with Matt Roberts that</p>	<p>1 A Yes, to secure the residence.</p> <p>2 Q Did he tell you whether or not he pulled out his firearm?</p> <p>3 A His firearm?</p> <p>4 Q Yes.</p> <p>5 A No, he didn't mention if he pulled out his firearm.</p> <p>6 Q Did he indicate whether any of the other officers had</p> <p>7 pulled out their firearms?</p> <p>8 A Not on the phone call the day of.</p> <p>9 Q And when was that discussed?</p> <p>10 A It was after the fact. And I believe it was a taser.</p> <p>11 Q Who said it was a taser?</p> <p>12 A It had to have been Detective Bringedahl.</p> <p>13 Q Well, he was in an undercover capacity, correct?</p> <p>14 A He was. He was an undercover detective, yes.</p> <p>15 Q And who else was with him when they entered?</p> <p>16 A Trooper Trucks.</p> <p>17 Q What about Mr. Kutches?</p> <p>18 A He -- I don't recall his involvement. He was up there</p> <p>19 helping with surveillance, but I don't remember what he</p> <p>20 did as far as helping secure the residence or not.</p> <p>21 Q Well, isn't he the one that saw the handyman going back</p> <p>22 and forth between the garage and the barn?</p> <p>23 A I'm not sure who saw. My direct contact was with</p> <p>24 Bringedahl because he was the senior detective on -- on</p> <p>25 the scene.</p>
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<p>1 you've talked about, did you have any other conversations</p> <p>2 with Mr. Roberts about this property, Antol's property?</p> <p>3 A Not that I can recall.</p> <p>4 Q Okay. Have you ever had any conversations with Mr.</p> <p>5 Bringedahl about his activities at Green Creek?</p> <p>6 A Yes.</p> <p>7 Q What did he tell you?</p> <p>8 A Not word for word. However, I was at the search warrant</p> <p>9 on Apple and he called me and advised that there was a</p> <p>10 handyman at the residence -- well, we weren't sure if he</p> <p>11 was a handyman. There was somebody coming in and out of</p> <p>12 the residence freely coming and going, and he wasn't sure</p> <p>13 what was going on, that he was going to go and secure the</p> <p>14 residence, and I advised him yes. And then after that, I</p> <p>15 was advised that there was a child present in the home.</p> <p>16 One of the other phone calls -- there was a couple phone</p> <p>17 calls back and forth checking our timing and status and</p> <p>18 when we would be up to Green Creek.</p> <p>19 Q You were still at East Apple Avenue at the time?</p> <p>20 A Yes.</p> <p>21 Q Had the search warrants arrived yet?</p> <p>22 A No, because he secured the residence before the search</p> <p>23 warrant was there.</p> <p>24 Q Did he tell you that he went inside prior to the search</p> <p>25 warrant arriving?</p>	<p>1 Q Would he have had a taser?</p> <p>2 A Bringedahl, no.</p> <p>3 Q So most likely the only one with a taser would have been a</p> <p>4 uniformed officer, correct?</p> <p>5 A Yes. I don't -- Kutches might have had a taser, too.</p> <p>6 Q Was he assigned to WEMET at the time or was he in uniform?</p> <p>7 A I don't recall. This was '14. If he -- I think he would</p> <p>8 have been new on our team.</p> <p>9 Q Okay. But you agree it would be very unusual for an</p> <p>10 undercover WEMET officer to have a taser with them?</p> <p>11 A Yes. The only ones on our team that had tasers were the</p> <p>12 trooper and our county officers. Nobody else had tasers.</p> <p>13 Q But they -- they carried those even in an undercover</p> <p>14 capacity?</p> <p>15 A Well, we knew we were doing a search warrant, --</p> <p>16 Q Oh, I see. Okay.</p> <p>17 A -- so they should have had police markings on with their</p> <p>18 raid vest and belts. So it would have been very prevalent</p> <p>19 that they were police.</p> <p>20 Q And -- and then the taser could have been attached to the</p> <p>21 belt or the vest?</p> <p>22 A Yes. It would have been on their hip.</p> <p>23 Q Okay.</p> <p>24 MR. BOSTIC: I don't have any other questions.</p> <p>25 MR. SADOWSKI: I don't have any questions.</p>

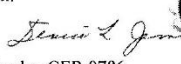

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1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25	<p style="text-align: right;">Page 33</p> <p>MR. BENSON: No, I have no questions. (At 3:43 p.m., deposition concluded)</p>	
<p style="text-align: right;">Page 34</p> <p style="text-align: center;">CERTIFICATION</p> <p>I certify that this transcript, consisting of pages, is a complete, true, and correct record of the testimony of Kate Straus taken in this case on May 10, 2018.</p> <p>I also certify that prior to taking this deposition, Kate Straus was duly sworn to tell the truth.</p> <p>I also certify that I am not a relative of, employee of, or an attorney for a party; nor am I financially interested in the action.</p> <p>Dated: May 14, 2018 </p> <p style="text-align: center;"></p> <p style="text-align: center;">Denise L. Jamba, CER 0786 Notary Public, State of Michigan Kent County My commission expires: October 13, 2019</p> <p style="text-align: center;">34</p>		

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